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STATE FOR AF/FO, AF/W, AF/RSA, DRL, INR/AA

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PINR](#) [KDEM](#) [NI](#)

SUBJECT: DELAY IN JUDICIAL DECISION AFFECTING ANAMBRA
GUBERNATORIAL ELECTION

REF: ABUJA 2001

Classified By: Acting DCM James P. McAnulty
for reasons in sections 1.5 (b) and (d).

COURT OF APPEAL RULING DELAYED

¶1. (C) The five-member Enugu Division Court of Appeal in the south-eastern state of Anambra reportedly delayed publishing a decision on whether the ruling party's candidate from the 2007 gubernatorial race, Andy Uba, could take office in March 2010 and obviate the need for the February 6, 2010, gubernatorial election. Local press reports indicate the delay could be linked to ongoing labor action by the judicial staff over unpaid wages, while others ascribe political motivations.

¶2. (C) Chairman Emeka Umeagbalasi of the International Society for Civil Liberties and the Rule of Law (Inter-Society) and the recently formed Anambra Human Rights Coalition told PolOff November 6 that his organization had sent a detailed letter to the Court of Appeal President requesting that he avert the "looming anarchy and constitutional crisis" from a rumored decision that would designate Andy Uba as "governor in waiting." The organization sent a letter separately to Nigeria's Chief Justice asking that the Supreme Court intervene, since it would be "better placed" to resolve the present impasse "threatening the coexistence of the Anambra People." Umeagbalasi told PolOff "monumental consequences" would result should the Court of Appeal rule in Uba's favor.

RULING PARTY DISSOLVES STATE STRUCTURE

¶3. (C) The National Executive of the ruling People's Democratic Party (PDP) dissolved the PDP state council November 5, revealing further fissures between the party's national and state structures. Such divisions widened during a dispute over the party's gubernatorial candidate, with the national executive favoring former Central Bank Governor Charles Soludo, while the local party viewed Soludo as thrust upon them without going through the necessary primary elections.

RELEASE OF KIDNAPPED FATHER OF CANDIDATE

¶4. (C) Kidnappers freed Soludo's 78-year-old father during the early morning of November 5. Contacts told ConGen Lagos that the family paid a ransom, but one significantly less than the 10-million naira (about 66,000 dollars) that the press reported. The elder Soludo reportedly suffered no lasting harm from his nine-day ordeal.

COMMENT

¶5. (C) Anambra's gubernatorial campaign, which officially begins November 8, has already experienced many twists and turns (Reftel). The Court of Appeal decision -- which may be influenced by an alleged bribe according to one unconfirmed press report -- could decide whether gubernatorial elections occur as scheduled in February. In our view, a Court of Appeal decision in favor of Uba would invite a contrary decision by the Supreme Court, which ruled that incumbent Governor Peter Obi should serve his full, four-year term, thereby effectively annulling the results of the controversial 2007 gubernatorial election. ConGen Lagos Pol-Econ Chief, accompanied by the Lagos-based UK Deputy High QPol-Econ Chief, accompanied by the Lagos-based UK Deputy High Commissioner, will visit Anambra November 12 to 14 to assess preparations for the upcoming election. END COMMENT.

¶6. (U) Embassy and ConGen Lagos collaborated on this telegram.
SANDERS